

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

ERNEST MARSHALL, et al.,
Plaintiffs,

Case No. 1:13-cv-847

vs

Black, J.
Litkovitz, M.J.

CYNTHIA B. MAUSSER, et al.,
Defendants.

**REPORT AND
RECOMMENDATION**

The four plaintiffs are prisoners who have filed a *pro se* complaint against Ohio Adult Parole Authority (OAPA) officials. In Orders issued this date, the plaintiffs have been granted pauper status, and their case has been allowed to proceed. This matter is now before the Court on their motion requesting class action certification. (Doc. 7).

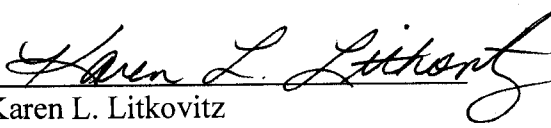
IT IS RECOMMENDED that plaintiffs' motion for class action certification (Doc. 7) be **DENIED**. Plaintiffs lack standing to assert the constitutional rights of other prisoners and are not permitted as *pro se* litigants to bring a class action lawsuit. *See Dodson v. Wilkinson*, 304 F. App'x 434, 438 (6th Cir. 2008) (and cases cited therein); *see also White v. Kasich*, No. 2:12cv1125, 2013 WL 941440, at *10 (S.D. Ohio Mar. 8, 2013) (Deavers, M.J.) (Report & Recommendation) (explaining that the reason *pro se* prisoners are generally prohibited from bringing class actions is because they are unable to "adequately to represent the interests of the class"), *adopted*, 2013 WL 1281887 (S.D. Ohio Mar. 27, 2013) (Smith, J.); *Brown v. Collins*, No. 2:07cv826, 2008 WL 818793, at *2 (S.D. Ohio Mar. 24, 2008) (Kemp, M.J.; Frost, J.) (citing *Palasty v. Hawk*, 15 F. App'x 197, 200 (6th Cir. 2001)) (same); *Marcum v. Jones*, No. 1:06cv108, 2006 WL 543714, at *1 (S.D. Ohio Mar. 3, 2006) (Dlott, J.) (and cases cited

therein) (holding that the *pro se* inmate “may bring his own claims to federal court without counsel, but not the claims of others”).

Accordingly, in sum, because plaintiffs’ claims are limited to alleged violations of their own federal rights, *cf. Dodson*, 304 F. App’x at 438, their motion for class certification (Doc. 7) should be **DENIED**.

IT IS SO RECOMMENDED.

Date: 3/7/14


Karen L. Litkovitz
United States Magistrate Judge

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NOTICE

Pursuant to Fed. R. Civ. P. 72(b), **WITHIN 14 DAYS** after being served with a copy of the recommended disposition, a party may serve and file specific written objections to the proposed findings and recommendations. This period may be extended further by the Court on timely motion for an extension. Such objections shall specify the portions of the Report objected to and shall be accompanied by a memorandum of law in support of the objections. If the Report and Recommendation is based in whole or in part upon matters occurring on the record at an oral hearing, the objecting party shall promptly arrange for the transcription of the record, or such portions of it as all parties may agree upon, or the Magistrate Judge deems sufficient, unless the assigned District Judge otherwise directs. A party may respond to another party's objections **WITHIN 14 DAYS** after being served with a copy thereof. Failure to make objections in accordance with this procedure may forfeit rights on appeal. *See Thomas v. Arn*, 474 U.S. 140 (1985); *United States v. Walters*, 638 F.2d 947 (6th Cir. 1981).

cbc